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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Before the Board of Patent Appeals and Interferences**

Applicant : Howard T. Marano

Serial No. : 10/007,370

Filed : February 19, 2002

For : METHOD, APPARATUS, SYSTEM AND USER INTERFACE FOR SCEHEDULING TASKS

Examiner : Beth Van Doren

Art Unit : 3623

## APPEAL BRIEF

May It Please The Honorable Board:

Appellants appeal the Final Rejection, dated February 8, 2006, of Claims 1 - 19 of the above-identified application. The fee of five hundred dollars ($500.00) for filing this Brief and any associated extension fee is to be charged to Deposit Account No. 19-2179. Enclosed is a single copy of this Brief.

Please charge any additional fee or credit any overpayment to the above-identified Deposit Account.

Appellants do not request an oral hearing.

COPY

## I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 10/007,370 is the Assignee of record:

Siemens Medical Solutions Health Services Corporation
51 Valley Stream Parkway
Malvern, PA 19355-1406

## II. RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 10/007,370

## III. STATUS OF THE CLAIMS

Claims 1 - 19 are rejected and the rejection of claims 1 – 19 are appealed.

## IV. STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I.

## V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 provides a method for assigning an identifier to at least one of a plurality of displayable task schedules (page 2, lines 3-5). Display is initiated of at least one interface menu supporting user entry of decision information for initiating execution of at least one executable procedure for automatically selecting a task from a plurality of different tasks (page 10, lines 9-12; Figure 2, 100). An identifier representing a selected task is assigned to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event (page 2, lines 21-23; Figure 6, 532). The particular task schedule is associated with a particular entity of the corresponding plurality of different

entities (page 2, lines 19-20; Figure 5, 220, 224). Decision information entered via the at least one interface menu is received (page 2, lines 9-10; Figure 6, 520). The received decision information is applied and the execution of the at least one executable procedure is initiated, in response to the received information identifying an event (page 2, lines 21-23; Figure 6, 532). A task is automatically selected from a plurality of different tasks (page 1, lines 9-12; Figure 6, 550). A task representative identifier representing a selected task to be performed by the particular entity is assigned to the task schedule associated with the particular entity (page 2, lines 19-20; Figure 6, 532).

Dependent claim 2 includes the method of independent claim 1 along with the activity of initiating execution of at least one executable procedure to automatically select the particular task schedule from the plurality of displayable task schedules, in response to the received information identifying an event (page 10, line 22-25; Figure 6, 550). The step of initiating display of the at least one interface menu includes initiating display of menu elements prompting a user to identify at least one of (a) the predetermined event triggering application of the decision information in assigning the task representative identifier to the task schedule, (b) a source of the decision information, (c) decision information for initiating execution of at least one executable procedure for identifying a task schedule for listing the task representative identifier (page 11, lines 18-22; Figure 6, 524).

Dependent claim 3 includes the same method as claim 1 along with the additional feature that the decision information initiates execution of at least one logical procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier (page 8, lines 17-20; Figure 6, 522).

Dependent claim 5 includes the same method as claim 1 along with the additional feature that the decision information initiates execution of the at least one executable

procedure to automatically and programmatically without user intervention select the task and assign the identifier, in response to received information identifying an event (page 2, line 21-23; Figure 6, 530, 532). The entity comprises at least one of (a) a category of users, (b) one or more users currently designated to perform a healthcare worker role and (c) a medical device or system (page 3, lines 15-17).

Dependent claim 6 includes the method of claim 1 along with the feature that the decision information identifies the predetermined event (page 2, lines 21-23). The predetermined event corresponds to at least one of (a) patient admission, (b) beginning of a medical procedure, (c) end of a medical procedure and (d) a user defined event based on information acquired (page 13, lines 7-9; Figure 6, 550).

Dependent claim 7 includes the method of claim 1 along with the feature that the received decision information initiates execution of the at least one executable procedure to prioritize a plurality of task representative identifiers of a task schedule associated with a particular entity in response to occurrence of a triggering event (page 13, lines 10-12; Figure 6, 555).

Independent claim 8 provides a method for assigning an identifier to at least one of a plurality of task schedules (page 2, lines 3-5). Display is initiated of at least one interface menu which supports user entry of decision information for assigning a task representative identifier to a selected task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities (page 10, lines 9-12; Figure 2, 100). The selected task schedule is associated with a particular entity of the corresponding plurality of different entities and accessible by the particular entity (page 2, lines 19-20; Figure 5, 220, 224). The decision information includes data identifying: i. at least one executable procedure

for processing data associated with a task to select a task schedule for incorporating the task representative identifier and for assigning said task representative identifier representing a task to be performed by said particular entity, to said selected task schedule (page 2, lines 18-20; Figure 6, 532), and ii. an event for triggering application of the at least one executable procedure (page 4, line 10). Decision information entered via the at least one interface menu is received (page 2, lines 9-10; Figure 6, 520). Execution of the at least one executable procedure is automatically initiated to select the selected task schedule from the plurality of displayable task schedules and assign the task representative identifier representing a task to be performed by the particular entity, to the selected task schedule, in response to received information identifying occurrence of a triggering event (page 10, lines 10-16; Figure 2, 100; Figure 6, 53-. 532. 540, 550).

Dependent claim 12 includes the method of claim 8 along with the additional feature that the at least one executable procedure conditions allocation of the task to the task schedule associated with the particular entity upon coincidence of a plurality of occurrences (page 11, lines 12-16). Data is acquired to identify the coincidence of the plurality of occurrences (page 11, lines 13-16; Figure 6, 524, 526).

Dependent claim 13 includes the method of claim 8 along with the additional feature that the triggering event is conditioned upon coincidence of a plurality of occurrences (page 11, lines 12-13). Data is acquired to identify the coincidence of the plurality of occurrences (page 11, lines 13-16; Figure 6, 524, 526).

Dependent claim 14 includes the method of claim 8 along with the additional feature that the at least one executable procedure removes a task representative identifier from the task schedule associated with the particular entity in response to occurrence of a

triggering event (page 13, lines 12-14; Figure 6, 557).

Independent claim 15 provides a method for providing a user interface for assigning an identifier to at least one of a plurality of displayable task schedules (page 2, lines 3-5). In response to a user command, the display is initiated of at least one interface menu supporting user entry of decision information for initiating execution of at least one executable procedure for automatically and programmatically selecting a task from a plurality of different tasks (page 10, lines 9-12; Figure 6, 532). An identifier representing a selected task is assigned to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event (page 12, lines 22-24; Figure 6, 532). The particular task schedule is associated with a particular entity of the corresponding plurality of different entities (page 2, lines 19-20; Figure 5, 220, 224). Display of an updated task schedule including the selected task having the assigned identifier associated with the particular entity is initiated, in response to received information identifying an event (page 10, lines 13-16; Figure 2, 100; Figure 6, 530, 532, 540, 550).

Independent claim 16 provides a method for providing a user interface supporting assigning an identifier to at least one of a plurality of task schedules (page 2, lines 3-5). In response to a user command, display is initiated of at least one interface menu supporting user entry of decision information for automatically selecting a task from a plurality of different tasks (page 10, lines 9-12; Figure 6, 532). An identifier representing a selected task is assigned to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event (page 10, lines 19-21; Figure 6, 532). The particular task schedule is accessible by the particular entity (page 2, lines 19-20; Figure 5, 220, 224). The

decision information includes data identifying at least one executable procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier (page 2, lines 18-20; Figure 6, 532). The task representative identifier representing a task to be performed by the particular entity is assigned to the particular task schedule (page 12, lines 15-17; Figure 1, 30; Figure 6, 532). An event triggers application of the at least one executable procedure (page 4, line 10). Display of an updated task schedule associated with a particular entity is initiated (page 10, lines 13-16; Figure 2, 100; Figure 6, 530, 532, 540, 550). The updated task schedule is generated in response to received information identifying a triggering event initiating execution of the at least one executable procedure to automatically assign the task representative identifier representing a task to be performed by the particular entity, to the task schedule associated with the particular entity (Page 10, lines 13-16; Figure 6, 530, 532, 540, 550).

Independent claim 17 provides a method for assigning an identifier to at least one of a plurality of task schedules (page 2, lines 3-5). Display is initiated of at least one interface menu supporting user entry of decision information for selectively assigning a task representative identifier to at least one of a plurality of displayable task schedules associated with a corresponding plurality of different entities (page 12, lines 22-24; Figure 6, 532). The at least one of the plurality of displayable tasks schedules is associated with a respective one of the corresponding plurality of different entities (page 2, lines 19-20; Figure 5, 220, 224). The decision information includes data identifying at least one executable procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier and for assigning the task representative identifier representing a task to be performed by the particular entity, to the particular task schedule (page 2, lines 18-20; Figure 6, 532). An event triggers application of the at least one executable procedure (page 4, line 10). Decision information entered via the at least

one interface menu is received (page 2, lines 9-10; Figure 6, 520). Execution of the at least one executable procedure is automatically initiated to select a particular task schedule from the plurality of displayable task schedules (page 10, lines 10-16; Figure 6, 520, 522, 550). The task representative identifier representing a task to be performed by the respective one of the corresponding plurality of different entities is automatically selectively assigned to the at least one of the plurality of task schedules associated with the corresponding plurality of different entities, in response to occurrence of the triggering event (page 12, lines 22-24; Figure 6, 532).

Independent claim 18 provides a system for assigning an identifier to at least one of a plurality of displayable task schedules (page 2, lines 3-5). A display processor initiates display of at least one interface menu supporting user entry of decision information for initiating execution of at least one executable procedure for automatically selecting a task from a plurality of different tasks (page 10, lines 9-12; Figure 6, 532). An identifier representing a selected task is assigned to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event (page 2, lines 21-23; Figure 6, 532). The particular task schedule is associated with a particular entity of the corresponding plurality of different entities (page 2, lines 19-20; Figure 5, 220, 224). An interface processor receives decision information entered via the at least one interface menu and automatically initiates execution of the at least one executable procedure, in response to received information identifying occurrence of an event (page 2, lines 9-10, 21-23; Figure 6, 532). A task is automatically selected from a plurality of different tasks (page 10, lines 9-12; Figure 6, 550). A task representative identifier representing a selected task to be performed by the particular entity is automatically assigned to the task schedule associated with the particular entity (page 2, lines 19-20; Figure 6, 532).

## VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-6 and 8-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Mayhak, Jr., et al. (U.S. Application No. 2001/0051888).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayhak, Jr., et al. (U.S. Application No. 2001/0051888) in view of Burko et al. (U.S. Patent Application No. 2002/0156672).

## VII. ARGUMENT

Mayhak, Jr. when taken alone or in any combination with Burko does not make the present claimed invention unpatentable. Thus, reversal of the Final Rejection (hereinafter termed "rejection") of claims 1-6 and 8-19 under 35 U.S.C. § 102(e) and claim & under section 35 U.S.C. § 103 (a) is respectfully requested.

### Overview of the Cited References

Mayhak, Jr. recites a system and method for managing a health clinic, and in particular to managing/scheduling employees to work in the clinic. The system and method relates to a computer program for computing the needs of patients, determining adequate staffing requirements and displays these needs and requirements in connection with actual scheduling values. Thus, the system provides a tool for quickly determining whether the clinic is overstaffed or understaffed, for the entire day based on patient needs, both direct and indirect patient care needs. The system and method may further use facility limitation information to provide overall efficiency information. (see Abstract).

Burko recites a system and method for providing integrated scheduling and management of services that are provided to a customer by a professional. A system is provided that allows a customer to accesses a website in his/her own language to selectively obtain information, provide information, and/or to schedule, modify or manage an appointment. The scheduling of an appointment includes utilizing a pre-established rule-based system to prioritize appointments. The system interfaces with the customer or the professional to schedule or manage appointments. Further, the system manages information and automates record keeping and billing procedures. Instructions are provided to the customer in his/her preferred language and a reminder may be given to the customer by the system via traditional mail, telephone, or email. A variety of icons are selectively used to notify the professional of information relating to a particular customer or appointment (see Abstract).

**Rejection of Claims 1-6 and 8-19 under 35 U.S.C. 102(e)**

**over Mayhak Jr. (U.S. Patent Application No. 2001/0051888)**

Reversal of the rejection of claims 1-6 and 8-19 under 35 U.S.C. 102(e) as being anticipated by Mayhak Jr., et al. U.S. Patent Application No. 2001/0051888 is respectfully requested because the rejection makes crucial errors in interpreting the cited reference. The rejection erroneously states that claims 1- 6 and 8-19 are made unpatentable by Mayhak Jr. et al.

CLAIM 1

The method of claim 1 initiates display of an "interface menu supporting user entry of decision information" for "initiating execution of at least one executable procedure for

automatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities" in response to "received information identifying an event". The method advantageously enables user customizable, automatic, event driven, healthcare worker (and medical device) task scheduling. For example, assume, "Dr. Jones is the Radiologist who protocols all spiral CT exams. When a spinal CT is ordered, that exam will be added to Dr. Jones' protocol work list 1, and at the same time, can be added to a CT technologist work list 1 of exams to be performed on the day for which it was ordered. When Dr. Jones protocols the exam, it would be removed from his work list 1. When the exam is tracked to the Begin Procedure step, it can be removed from the technologist work list 1" (Application page 12 lines 10-15). This **automatic** task selection and assignment significantly improves hospital personnel and resource allocation, planning and operation and is not suggested by the user driven manual scheduling or appointment systems of the cited references. Such scheduling or appointment systems merely schedule tasks or appointments that are selected **by a user** and in contrast to the claimed method, do NOT automatically select tasks from multiple available tasks or select a worker from multiple workers and assign tasks to the selected worker.

The Mayhak system concerns a purely user driven scheduling system. Paragraph [0067] of Mayhak recites "The **user** may enter the type of job that should be scheduled." Then in paragraph [0071] of Mayhak, it is stated, "the **user** of the system **enters** patient information into profiles and then schedules various patients for each day." Additionally, paragraph [0081] of Mayhak states, "a **user** performs the task of scheduling patients and staff." Consequently, Mayhak describes a managing/scheduling employee system that fails to show or suggest "decision information" that initiates "execution of at least one

executable procedure" that "automatically" selects a "task from a plurality of different tasks" and assigns an "identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities" in response to "received information identifying an event" as recited in the present claimed invention.

The Rejection on pages 3-4, relies on Mayhak paragraphs, 0010-2, 0036, 0037, 0040, 0042, 0043, 0050, 0065, 0067-8 and 0076 as describing the features of the present invention. These sections, however, describe dividing the day into intervals and determining patient care requirements on a per interval basis. Then patients are scheduled, and the user enters the type of job that should be scheduled for a particular day. Then the appropriate employees are scheduled, thus employees capable of handling the job type are scheduled. The user enters patient information and the user may schedule various patients and schedule some employees for each day. Contrary to the Rejection statement, Mayhak nowhere shows or suggests initiation of "execution of at least one executable procedure" that "automatically" selects a "task from a plurality of different tasks." Mayhak does not teach automatic selection of a "task" by an "executable procedure" at all. Appointment and scheduling systems exemplified by Mayhak are used to schedule use of resources personnel and patients to perform **already identified tasks**. Such systems do not have the ability to **select and assign** tasks or to **select and assign** particular workers in response to "received information identifying an event". Such scheduling systems also do NOT have the ability to "assign" tasks based on the data or actions performed on the data and specifically "based on the application of the received decision information". This capability allows a user to efficiently automatically schedule personnel and devices to deliver healthcare to a patient based on occurrence of events. This capability and associated claimed arrangement is not contemplated by the cited reference. Consequently, Mayhak teaches manually driven

scheduling which is **fundamentally different** from the automatic method claimed and does not suggest "initiating execution of at least one executable procedure" for "automatically" selecting a task "from a plurality of different tasks" in response to "received information identifying an event." Mayhak nowhere mentions or contemplates such selection.

There is no mention, discussion or contemplation anywhere in Mayhak of use of user entered **"decision information"** for "initiating execution of at least one executable procedure" to select and assign tasks in response to "received information identifying an event," as recited in the present claimed invention. In fact, Mayhak teaches use of a system that is incompatible in its operation with the claimed system. Further, there is no recognition in Mayhak of the advantages of the user customizable, automatic, event driven, healthcare worker (and medical device) automatic task selection and assignment features or any other motivation or reason for modifying the Mayhak system to incorporate the claimed features.

Consequently, withdrawal of the rejection of claim 1 under 35 USC 102(e) is respectfully requested.

CLAIM 2

Dependent claim 2 is considered to be patentable based on its dependence on claim 1. Claim 2 is also considered to be patentable because Mayhak neither discloses nor suggests "initiating execution of at least one executable procedure to automatically select said particular task schedule from said plurality of displayable task schedules, in response to said received information identifying an event" as recited in the present invention. Mayhak is a user driven system ("the **user** may enter the type of job that should be scheduled" [par. 0067]; "the user of the system enters patient information into profiles and

then schedules various patients for each day" [par. 0071]"; and "a user performs the task of scheduling patients and staff" [par. 0081]). Mayhak does NOT suggest a system for "**automatically** selecting said particular task schedule from said plurality of displayable task schedules, in response to said received information identifying an event" as recited in the present claimed invention.

Mayhak also does not mention or contemplate use of "decision information" that "automatically" assigns an "identifier representing a selected task to be performed" and "automatically" selects a task to be performed "from a plurality of different tasks" in response to "received information identifying an event" in combination with initiating "display of menu elements prompting a user to identify" data associated with "decision information" used in "assigning the task representative identifier to the task schedule associated with the particular entity in response to a predetermined event" as recited in the present claimed invention. As stated above with respect to claim 1, the rejection relies on Mayhak paragraphs 0010-2, 0036, 0037, 0040, 0042, 0043, 0050, 0065, 0067-8 and 0076 as describing the features of the present invention. These sections, however, describe dividing the day into intervals and determining patient care requirements on a per interval basis. Then patients are scheduled, then the user enters the type of job that should be scheduled for a particular day. Then the appropriate employees are scheduled, thus employees capable of handling the job type are scheduled. The user enters patient information and the user may schedule various patients and schedule some employees for each day. Mayhak provides no 35 USC 112 compliant enabling disclosure of "menu elements **prompting** a user to identify at least one of (a) the predetermined event **triggering** application of the decision information in assigning the task representative identifier to the task schedule, (b) a source of the decision information, (c) decision information for initiating execution of at least one executable procedure for identifying a

task schedule for listing the task representative identifier" as recited in the present claimed invention. Consequently, withdrawal of the rejection of claim 2 under 35 USC 102(e) is respectfully requested.

CLAIMS 3 and 4

Dependent claim 3 is considered to be patentable based on its dependence on claim 1. Claim 3 is also considered to be patentable because Mayhak neither discloses nor suggests a system in which "the decision information initiates execution of at least one logical procedure for processing data associated with a task to identifying a task schedule for incorporating the task representative identifier" as recited in the present claimed invention. Mayhak does not mention or contemplate initiation of "execution of" a "logical procedure" for "processing data associated with a task to identify a task schedule" as recited in the present claimed invention. Mayhak paragraphs 0007, 0010, 0012, 0035-6, 0041-2 and 0067-8 do not mention such a logical procedure at all. Mayhak par. 0035 mentions that "the system 100 maintains various schedules for a 'health service provider.'" Mayhak par. 0041 mentions that the resulting schedule or patient visits and employee shifts is a daily schedule and that each patient schedule portion can be displayed with associated patient care tasks. Mayhak par. 0067 states "the user may enter the type of job that should be scheduled." However, Mayhak provides no 35 USC 112 compliant enabling disclosure of a "logical procedure" for "processing data associated with a task to identify a task schedule" in a system that "automatically" selects a "particular task schedule from said plurality of displayable task schedules, in response to said decision information and received information identifying an event" as recited in the present claimed invention. Consequently, withdrawal of the rejection of claim 3 under 35 USC 102(e) is respectfully requested.

Dependent claim 4 is dependent on claims 1 and 3 and is considered to be patentable for the reasons given in connection with claims 1 and 3. Therefore, withdrawal of the rejection of claim 4 under 35 USC 102(e) is respectfully requested.

CLAIM 5

Dependent claim 5 is considered to be patentable based on its dependence on claim 1. Claim 5 is also considered to be patentable because Mayhak neither discloses nor suggests initiation of "execution of said at least one executable procedure" for automatically and **programmatically** without user intervention "assigning" a **task representative identifier** to "at least one of a plurality of displayable task schedules associated with a corresponding plurality of different **entities**" comprising "at least one of (a) a category of users, (b) one or more users currently designated to perform a healthcare worker role and (c) a medical device or system" as recited in the present claimed invention. Contrary to the Rejection statements on pages 5-6, Mayhak fails to provide any suggestion of the combination of features of claim 5. Specifically, paragraphs 0010-2, 0036, 0037, 0040, 0042 0043, 0050, 0065, 0067-8 and 0076 fail to suggest "**application**" of user entered "**decision information**" that "automatically" and "programmatically without user intervention" assigns an "identifier representing a selected task to be performed by" at least one of (a) a category of users, (b) one or more users concurrently designated to perform a healthcare worker role and (c) a medical device or system" as recited in the present claimed invention. Consequently, withdrawal of the rejection of claim 5 under 35 USC 102(e) is respectfully requested.

CLAIM 6

Dependent claim 6 is considered to be patentable based on its dependence on claim 1. Claim 6 is also considered to be patentable because Mayhak neither discloses nor suggests a system in which the "decision information identifies the predetermined event and...the predetermined event corresponds to at least one of (a) patient admission, (b) beginning of a medical procedure, (c) end of a medical procedure and (d) a user defined event based on information acquired" as recited in the present claimed invention. Mayhak in paragraphs 0007-9, 0010-2, 0035-6, 0041, 0043, 0050, 0055, 0067-8, 0076 and 0089 relied on in the Rejection concerns user driven scheduling. The relied on reference sections do NOT show or suggest "decision information" that "automatically" assigns an "identifier representing a selected task to be performed" and "automatically" selects a task to be performed "from a plurality of different tasks" in response to "received information identifying an **event**" that corresponds to "at least one of (a) patient admission, (b) beginning of a medical procedure, (c) end of a medical procedure and (d) a user defined event based on information acquired" as recited in the present claimed invention. Consequently, withdrawal of the rejection of claim 6 under 35 USC 102(e) is respectfully requested.

CLAIMS 8, 9, 10 and 11

Amended Independent claim 8 is considered to be patentable for reasons given in connection with claims 1-6 and for additional reasons. Mayhak is not concerned with and does not contemplate "automatically initiating execution of said at least one executable procedure to select said selected task schedule from said plurality of displayable task schedules **and** assign said task representative identifier representing a task to be performed by said particular entity, to said selected task schedule, in response to received information identifying occurrence of a triggering event" as recited in the present claimed invention. Mayhak paragraphs 0012, 0036, 0042, 0050, 0065, 0076 and 0089 relied on in the

Rejection on page 6 concerns a **user driven** scheduling system. The relied on reference sections do NOT show or suggest "automatically initiating execution of said at least one executable procedure" to "select" a "selected task schedule from said plurality of displayable task schedules, in **response** to" received "information identifying occurrence of a triggering **event**" as recited in the present claimed invention. Mayhak in par. 0067 states "The user may enter the type of job that should be scheduled"; in par. 0071 states "the user of the system enters patient information into profiles and then schedules various patients for each day"; and in par. 0081 states "a user performs the task of scheduling patients and staff." Consequently, Mayhak fails to show, suggest or provide any 35 USC 112 compliant enabling disclosure of "automatically initiating execution of said at least one executable procedure to select said selected task schedule from said plurality of displayable task schedules, in response to received information identifying occurrence of a triggering event" as recited in the present claimed invention.

The Mayhak system does NOT have the ability to "assign" tasks based on the data or actions performed on the data and "in response" to "occurrence of the triggering event." Mayhak does NOT show or suggest "initiating display of at least one interface menu supporting user entry of decision information for assigning a task representative identifier to a task schedule associated with a **particular** entity and accessible by the particular entity." This capability allows a user to efficiently schedule personnel and devices to deliver healthcare to a patient based on **occurrence of events**. For example, a "radiologist may use the system of the present invention to create an entry on an appropriate entity's "to be scheduled" worklist, including the radiologist's own worklist, such as by using a menu option. The menu option may programmatically schedule such an event if a certain code is entered by or for the radiologist upon completion of the analysis of the results, i.e. the results code acts as a triggering event to schedule the more detailed ultrasound"

(Application page 11, lines 5-15). These features and capability are nowhere suggested in Mayhak.

The decision information initiates execution of at least one executable procedure and "may condition allocation of the task to a task schedule associated with a particular entity upon one or more occurrences of a phenomenon which may or may not be coincident. For example, it may be desirable to programmatically condition assigning a subsequent task to a user or entity based on what also has or is happening as indicated by a response entered into the same or another worksheet 1" (Application page 10, line 22 to page 11, line 2). Mayhak does NOT show or suggest use of "decision information" for initiating execution of "at least one executable procedure for processing data associated with a task to **select** a task schedule for incorporating the task representative identifier and for assigning said task representative identifier representing a task to be performed by said particular entity, to said selected task schedule." Mayhak does NOT show or suggest "an **event** for **triggering** application of said at least one executable **procedure**" to **select** a "task schedule" associated with "a particular entity" and accessible by the "particular entity." The user enters the type of job to be scheduled and performs the task of scheduling various patients and staff for each day. Consequently, Mayhak teaches a manually driven scheduling system which is **fundamentally different** to the automatic system claimed and does not suggest "automatically initiating execution of said at least one executable procedure to **select** said selected task schedule from said plurality of displayable task schedules **and assign** said task representative identifier representing a task to be performed by said particular entity, to said selected task schedule, in response to received information identifying occurrence of a triggering event" as recited in the present claimed invention. Consequently, withdrawal of the rejection of claim 8 under 35 USC 102(e) is respectfully requested.

Dependent claims 9-11 are dependent on claim 8 and are considered to be patentable for the reasons given in connection with claim 8. Therefore, withdrawal of the rejection of claims 9-11 under 35 USC 102(e) is respectfully requested.

CLAIM 12

Dependent claim 12 is considered to be patentable based on its dependence on claim 8. Claim 12 is also considered to be patentable because Mayhak neither discloses nor suggests a system including the combination of features of claim 12 in which "at least one executable procedure conditions allocation of the task to the task schedule associated with the particular entity upon **coincidence** of a **plurality of occurrences**, and...further including acquiring data to identify the coincidence of the plurality of occurrences," as recited in the present invention. Contrary to the Rejection statement on page 7, Mayhak paragraphs 0010-12, 0040-2, 0065, 0068, 0071 and 0076 relied on concern a user driven scheduling system and do NOT show or suggest the ability to "assign" tasks based on the data or actions performed on the data and specifically "based on the application of the received decision information" and "in response to occurrence of the triggering event." The reference also fails to show or suggest "assigning" tasks "in response to occurrence of the triggering event' and specifically in response to "coincidence of a plurality of occurrences." The reference also fails to show or suggest "acquiring data to **identify the coincidence** of the plurality of occurrences." The cited reference passages simply do not show or suggest such features and the Rejection fails to make any showing that specifically identifies where such a combination of features are present. Consequently, withdrawal of the rejection of claim 12 under 35 USC 102(e) is respectfully requested.

CLAIM 13

Dependent claim 13 is considered to be patentable based on its dependence on claim 8. Claim 13 is also considered to be patentable because Mayhak neither discloses nor suggests a system in which "the triggering event is **conditioned** upon coincidence of a plurality of **occurrences**, and...further including acquiring data to identify the **coincidence** of the plurality of occurrences" as recited in the present claimed invention. Contrary to the Rejection statement on pages 7-8, Mayhak paragraphs 0010-2, 0036, 0040-2, 0065, 0067-8 and 0076 relied on, as well as paragraphs 0071 and 0081, concern a user driven scheduling system and do NOT show or suggest the ability to "assign" tasks based on the data or actions performed on the data and specifically "based on the application of the received decision information" and "in response to occurrence of the triggering event" as recited in the present claimed invention. The reference also fails to show or suggest "assigning" tasks "in response to occurrence of the triggering event" as recited in the present claimed invention. The reference also fails to show or suggest "assigning" tasks "in response to occurrence of the triggering event" and specifically in response to "**coincidence** of a **plurality of occurrences**." The reference also fails to show "acquiring data to **identify the coincidence** of the plurality of occurrences." The cited reference passages simply do now show or suggest such features and the Rejection fails to make any showing that specifically identifies where such a combination of features are present. Consequently, withdrawal of the rejection of claim 13 under 35 USC 102(e) is respectfully requested.

CLAIM 14

Dependent claim 14 is considered to be patentable based on its dependence on claim 8. Claim 14 is also considered to be patentable because Mayhak neither discloses nor suggests a system in which "said at least one executable procedure removes a task representative identifier from the task schedule associated with the particular entity in response to occurrence of a triggering event" as recited in the present claimed invention.

Contrary to the Rejection statement on page 8, paragraphs 0065-6, 0088 and 0091 relied on in the rejection describe storing schedule information, a graphical user interface for the scheduling system, and moving the employee schedule portion of the interface, respectively. As described above with respect to claim 8, and as evidenced by paragraphs 0067, 0071 and 0081 of Mayhak, Mayhak concerns a user driven scheduling system and does NOT show or suggest the ability to "assign" tasks based on the data or actions performed on the data and specifically "based on the application of the received decision information" and "in response to occurrence of the triggering event" as recited in the present claimed invention. The relied on sections fail to make any suggestion of "applying the received **decision information** in **removing** a task representative identifier from the **task schedule** associated with the particular entity in response to occurrence of a **triggering event**." Removal of task identifiers is not discussed or mentioned anywhere in the cited reference. Consequently, withdrawal of the rejection of claim 14 under 35 USC 102(e) is respectfully requested.

CLAIM 15

Independent claim 15 is considered to be patentable for the reasons given in connection with claim 1 and for additional reasons. Claim 15 is also considered to be patentable because Mayhak neither discloses nor suggests "a method for providing a user interface for assigning an identifier to at least one of a plurality of displayable task schedules" comprising "in response to a user command" initiating "display of at least one interface menu supporting user entry of decision information for initiating execution of at least one executable procedure for automatically and programmatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying

an event, said particular task schedule being associated with a particular entity of said corresponding plurality of different entities; and initiating display of an updated task schedule including said selected task having said assigned identifier associated with the particular entity, in response to received information identifying an event" as recited in the present claimed invention.

As previously explained, Mayhak is not concerned with, and does **not** contemplate the use of "decision information for initiating execution of at least one executable procedure for initiating execution of at least one executable procedure for automatically and programmatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event." Mayhak also does not show or suggest "initiating display of at least one interface menu supporting user entry of decision information for initiating execution of at least one executable procedure for automatically and programmatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules" as recited in the present claimed invention. Paragraphs 0065-6, 088 and 0091 of Mayhak, as described above with respect to claim 14, relied on in the rejection describe storing schedule information, a graphical user interface for the scheduling system, and moving the employee schedule portion of the interface, respectively. As evidenced by paragraphs 0067, 0071 and 0081 of Mayhak, Mayhak concerns a **user driven** scheduling system and does NOT show or suggest "initiating display of an updated task schedule including said selected task having said assigned identifier associated with the particular entity, in response to received information identifying an event" as recited in the present claimed invention. The systems described do

NOT have the ability for "automatically and programmatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule" in "response to received information identifying an event." This capability allows a system to efficiently schedule personnel and devices to deliver healthcare to a patient based on occurrence of events **without user** intervention. This capability and associated claimed arrangement is absent from the cited reference. Consequently, withdrawal of the rejection of claim 15 under 35 USC 102(e) is respectfully requested.

## CLAIM 16

Independent claim 16 is considered to be patentable for reasons given in connection with claims 8 and 15. Claim 16 is also considered to be patentable because Mayhak neither discloses nor suggests a method for "assigning an identifier to at least one of a plurality of task schedules" comprising "initiating display of at least one interface menu supporting user entry of decision information for automatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event, said particular task schedule being accessible by the particular entity, the decision information including data identifying, at least one executable procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier and for assigning said task representative identifier representing a task to be performed by said particular entity, to said particular task schedule, and an event for triggering application of said at least one executable procedure; and initiating display of an updated task schedule associated with the particular entity, the updated task schedule being generated in response to received information identifying a triggering event initiating

execution of said at least one executable procedure to automatically assign said task representative identifier representing a task to be performed by said particular entity, to said task schedule associated with said particular entity" as recited in the present claimed invention.

As previously explained, Mayhak is not concerned with, and does **not** contemplate the use of "initiating display of at least one interface menu supporting user entry of decision information for automatically selecting a task from a plurality of different tasks **and** assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event, said particular task schedule being accessible by the particular event." Mayhak also does not show or suggest "initiating display of an updated task schedule associated with the particular entity, the updated task schedule being generated in response to received information identifying a triggering event initiating execution of said at least one executable procedure to automatically assign said task representative identifier representing a task to be performed by said particular entity, to said task schedule associated with said particular entity" as recited in the present claimed invention. As evidenced by paragraphs 0067, 0071 and 0081 of Mayhak, Mayhak concerns a **user driven** scheduling system and does NOT show or suggest "initiating display of an updated task schedule associated with the particular entity, the updated task schedule being generated in response to received information identifying a triggering event initiating execution of said at least one executable procedure to automatically assign said task representative identifier representing a task to be performed by said particular entity, to said task schedule associated with said particular entity" as recited in the present claimed invention. The system described in Mayhak does NOT have the ability for "automatically selecting a task from a plurality of different tasks and

assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event." This capability allows a system to efficiently schedule personnel and devices to deliver healthcare to a patient based on occurrence of events **without user** intervention. This capability and associated claimed arrangement is absent from the cited reference. Consequently, withdrawal of the rejection of claim 16 under 35 USC 102(e) is respectfully requested.

## CLAIM 17

Independent claim 17 is considered to be patentable for reasons given in connection with claim 8. Claim 17 is also considered to be patentable because Mayhak neither discloses nor suggests a method for "assigning an identifier to at least one of a plurality of task schedules" comprising "initiating display of at least one interface menu supporting user entry of decision information for selectively assigning a task representative identifier to at least one of a plurality of displayable task schedules associated with a corresponding plurality of different entities, said at least one of said plurality of displayable task schedules being associated with a respective one of said corresponding plurality of different entities, the decision information including data identifying: at least one executable procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier and for assigning said task representative identifier representing a task to be performed by said particular entity, to said particular task schedule, and an event for triggering application of said at least one executable procedure; receiving decision information entered via the at least one interface menu; and automatically initiating execution of said at least one executable procedure to select a particular task schedule from said plurality of displayable task schedules and to automatically selectively assign said task representative identifier representing a task to be performed by said respective one of said

corresponding plurality of different entities, to said at least one of the plurality of task schedules associated with said corresponding plurality of different entities, in response to occurrence of the triggering event" as recited in the present claimed invention.

Mayhak is not concerned with and does not contemplate "automatically initiating execution of said at least one executable procedure to select a particular task schedule from said plurality of displayable task schedules **and** to automatically selectively assign said task representative identifier representing a task to be performed by said respective one of said corresponding plurality of different entities, to said at least one of the plurality of task schedules associated with said corresponding plurality of different entities, in response to occurrence of the triggering event." Mayhak paragraphs 0012, 0036, 0042, 0050, 0065, 0076 and 0089 relied on in the Rejection on page 6 concerns **user driven** scheduling system. The relied on reference sections do NOT show or suggest "automatically initiating execution of said at least one executable procedure" to "select" a "particular task schedule from said plurality of displayable task schedules" "in **response** to occurrence of the triggering **event**" as recited in the present claimed invention. Mayhak in par. 0067 states "The user may enter the type of job that should be scheduled"; in par. 0071 states "the user of the system enters patient information into profiles and then schedules various patients for each day"; and in par. 0081 states "a user performs the task of scheduling patients and staff." Consequently, Mayhak fails to show, suggest or provide any 35 USC 112 compliant enabling disclosure of "automatically initiating execution of said at least one executable procedure to select a particular task schedule from said plurality of displayable task schedules" "in response to occurrence of the triggering event" as recited in the present claimed invention.

The Mayhak system does NOT have the ability to "assign" tasks based on the data

or actions performed on the data and "in response" to "occurrence of the triggering event." Mayhak does NOT show or suggest "initiating display of at least one interface menu supporting user entry of decision information for selectively assigning a task representative identifier to at least one of a plurality of displayable task schedules being associated with a **respective one** of said corresponding plurality of different entities." This capability allows a user to efficiently schedule personnel and devices to deliver healthcare to a patient based on **occurrence of events**. For example, a "radiologist may use the system of the present invention to create an entry on an appropriate entity's "to be scheduled" worklist, including the radiologist's own worklist, such as by using a menu option. The menu option may programmatically schedule such an event if a certain code is entered by or for the radiologist upon completion of the analysis of the results, i.e. the results code acts as a triggering event to schedule the more detailed ultrasound" (Application page 11, lines 5-15). These features and capability are nowhere suggested in Mayhak.

The decision information initiates execution of at least one executable procedure and "may condition allocation of the task to a task schedule associated with a particular entity upon one or more occurrences of a phenomenon which may or may not be coincident. For example, it may be desirable to programmatically condition assigning a subsequent task to a user or entity based on what also has or is happening as indicated by a response entered into the same or another worksheet 1" (Application page 10, line 22 to page 11, line 2). Mayhak does NOT show or suggest use of "decision information" for initiating execution of "at least one executable procedure for processing data associated with a task to **identify** a task schedule for incorporating the task representative identifier and for assigning said task representative identifier representing a task to be performed by said particular entity, to said particular task schedule." Mayhak does NOT show or suggest "an **event** for **triggering** application of said at least one executable **procedure**" to **identify**

a "task schedule" associated with "a particular entity" and accessible by the "particular entity." The user enters the type of job to be scheduled and performs the task of scheduling various patients and staff for each day. Consequently, Mayhak teaches a manually driven scheduling system which is **fundamentally different** to the automatic system claimed and does not suggest "automatically initiating execution of said at least one executable procedure to **select** a particular task schedule from said plurality of displayable task schedules **and to automatically selectively assign** said task representative identifier representing a task to be performed by said respective one of said corresponding plurality of different entities, to said at least one of the plurality of task schedules associated with said corresponding plurality of different entities, in response to occurrence of a triggering event" as recited in the present claimed invention. Consequently, withdrawal of the rejection of claim 17 under 35 USC 102(e) is respectfully requested.

CLAIMS 18 and 19

Independent claim 18 is a system claim that mirrors the method of claim 1, therefore, claim 18 is considered to be patentable for reasons given in connection with claim 1. Claim 18 is also considered to be patentable because Mayhak neither discloses nor suggests The system of claim 18 initiates display of an "interface menu supporting user entry of decision information" for "initiating execution of at least one executable procedure for automatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities" in response to "received information identifying an event". The system advantageously enables user customizable, automatic, event driven, healthcare worker (and medical device) task scheduling. For example, assume, "Dr. Jones is the Radiologist who protocols all spiral CT exams. When a spinal CT is ordered, that exam will be added to Dr. Jones'

protocol work list 1, and at the same time, can be added to a CT technologist work list 1 of exams to be performed on the day for which it was ordered. When Dr. Jones protocols the exam, it would be removed from his work list 1. When the exam is tracked to the Begin Procedure step, it can be removed from the technologist work list 1" (Application page 12 lines 10-15). This automatic task selection and assignment significantly improves hospital personnel and resource allocation, planning and operation and is not suggested by the user driven manual scheduling or appointment systems of the cited references. Such scheduling or appointment systems merely schedule tasks or appointments that are selected by a user and in contrast to the claimed system, do NOT automatically select tasks from multiple available tasks or select a worker from multiple workers and assign tasks to the selected worker.

The Mayhak system concerns a purely user driven scheduling system. Paragraph [0067] of Mayhak recites "The user may enter the type of job that should be scheduled." Then in paragraph [0071] of Mayhak, it is stated, "the user of the system enters patient information into profiles and then schedules various patients for each day." Additionally, paragraph [0081] of Mayhak states, "a user performs the task of scheduling patients and staff." Consequently, Mayhak describes a managing/scheduling employee system that fails to show or suggest "decision information" that initiates "execution of at least one executable procedure" that "automatically" selects a "task from a plurality of different tasks" and assigns an "identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities" in response to "received information identifying an event" as recited in the present claimed invention.

The Rejection on pages 3-4, relies on Mayhak paragraphs, 0010-2, 0036, 0037, 0040, 0042, 0043, 0050, 0065, 0067-8 and 0076 as describing the features of the present invention. These sections, however, describe dividing the day into intervals and determining patient care requirements on a per interval basis. Then patients are scheduled, and the user enters the type of job that should be scheduled for a particular day. Then the appropriate employees are scheduled, thus employees capable of handling the job type are scheduled. The user enters patient information and the user may schedule various patients and schedule some employees for each day. Contrary to the Rejection statement, Mayhak nowhere shows or suggests initiation of "execution of at least one executable procedure" that "automatically" selects a "task from a plurality of different tasks." Mayhak does not teach automatic selection of a "task" by an "executable procedure" at all. Appointment and scheduling systems exemplified by Mayhak are used to schedule use of resources personnel and patients to perform **already identified tasks**. Such systems do not have the ability to **select and assign** tasks or to **select and assign** particular workers in response to "received information identifying an event". Such scheduling systems also do NOT have the ability to "assign" tasks based on the data or actions performed on the data and specifically "based on the application of the received decision information". This capability allows a user to efficiently automatically schedule personnel and devices to deliver healthcare to a patient based on occurrence of events. This capability and associated claimed arrangement is not contemplated by the cited reference. Consequently, Mayhak teaches manually driven scheduling which is **fundamentally different** from the automatic system claimed and does not suggest "initiating execution of at least one executable procedure" for "automatically" selecting a task "from a plurality of different tasks" in response to "received information identifying an event." Mayhak nowhere mentions or contemplates such selection.

There is no mention, discussion or contemplation anywhere in Mayhak of use of user entered **"decision information"** for "initiating execution of at least one executable procedure" to select and assign tasks in response to "received information identifying an event," as recited in the present claimed invention. In fact, Mayhak teaches use of a system that is incompatible in its operation with the claimed system. Further, there is no recognition in Mayhak of the advantages of the user customizable, automatic, event driven, healthcare worker (and medical device) automatic task selection and assignment features or any other motivation or reason for modifying the Mayhak system to incorporate the claimed features. Consequently, withdrawal of the rejection of claim 1 under 35 USC 102(e) is respectfully requested.

Dependent claim 19 is considered to be patentable for the reasons given in connection with claim 18. Therefore, withdrawal of the rejection of claim 19 under 35 USC 102(e) is respectfully requested.

**Rejection of Claim 7 under 35 U.S.C. 103(a)**

**over Schloss (U.S. Patent Application No. 2002/0156672)**

Reversal of the rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable in view of U.S. Patent Application No. 2002/0156672 issued to Burko is respectfully requested because the rejection makes crucial errors in interpreting the cited reference. The rejection erroneously states that claim 7 is made unpatentable by Burko.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148

USPQ 459, 467 (CCPA 1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

Dependent claim 7 is considered to be patentable based on its dependence on claim 1 and for additional reasons. Claim 7 is also considered to be patentable because Mayhak with Burko does not disclose or suggest "said received decision information initiates execution of said at least one executable procedure to prioritize a plurality of **task** representative **identifiers** of a **task schedule** associated with a particular entity in response to occurrence of a triggering **event**" as recited in the present claimed invention.

The Burko system "relates to systems and methods for providing integrated scheduling and management of services that are provided to a customer by a professional...a customer accesses a website in his/her own language to selectively schedule, modify, or manage an appointment, and may selectively obtain or update information at the website. The scheduling of an appointment includes utilizing a pre-established rule-based system that uses factors to prioritize appointments, such as information relating to the customer, the urgency of the appointment, and other types of

factors. The **customer selects** the professional with whom an appointment is desired and suggests a desired appointment time to the system. The system then determines if that time is available for the professional and either schedules the appointment or presents a variety of other related times to the **customer for selection**" (Burko paragraphs 0010-0013). In the Burko system as with the Mayhak system, a user drives the appointment/scheduling. Therefore, Burko with Mayhak does not show or suggest "initiating execution of at least one executable procedure for automatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities" in response to "received information identifying an event". Burko with Mayhak does not show or suggest this feature in combination with "initiating execution of said at least one executable procedure to prioritize a plurality of **task** representative **identifiers** of a **task schedule** associated with a particular entity in response to occurrence of a triggering **event**".

Further incorporating the Burko feature identified in the Rejection in the Mayhak system results in a user driven appointment selection and prioritization system that does not initiate "execution of at least one executable procedure for automatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities" in response to "received information identifying an event". The combined system also does not "prioritize a plurality of **task** representative **identifiers** of a **task schedule** associated with a particular entity in response to occurrence of a triggering event". Prioritizing appointments of Burko with Mayhak does not show or suggest prioritizing "a plurality of task representative identifiers of a task schedule". A task is not an appointment, and prioritizing **appointments** does not suggest

prioritizing tasks in a task schedule in the context of the claim 1 system. Consequently, withdrawal of the rejection of claim 7 is respectfully requested.

## VIII CONCLUSION

Mayhak, alone or in combination with Burko neither discloses nor suggests the "initiating execution of at least one executable procedure for automatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule or a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event, said particular task schedule being associated with a particular entity of said corresponding plurality of different entities" as recited in the present claimed invention. Additionally, Mayhak and Burko, alone or in combination, neither disclose nor suggest "receiving decision information entered via said at least one interface menu" as recited in the present claimed invention. Furthermore, Mayhak and Burko, alone or in combination, neither disclose nor suggest "applying the received decision information and initiating execution of said at least one executable procedure, in response to received information identifying an event to automatically select a task from a plurality of different tasks and assign a task representative identifier representing a selected task to be performed by said particular entity, to said task schedule associated with said particular entity" as recited in the present claimed invention.

Applicant respectfully submits that correction of any informalities regarding the claims will be corrected upon disposition of the appeal.

Accordingly it is respectfully submitted that the rejection of Claims 1– 19 should be reversed.

Respectfully submitted,
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## APPENDIX I - APPEALED CLAIMS

1. (Previously Presented) A method for assigning an identifier to at least one of a plurality of displayable task schedules, comprising the activities of:

a. initiating display of at least one interface menu supporting user entry of decision information for initiating execution of at least one executable procedure for automatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event, said particular task schedule being associated with a particular entity of said corresponding plurality of different entities;

b. receiving decision information entered via said at least one interface menu; and

c. applying the received decision information and initiating execution of said at least one executable procedure, in response to received information identifying an event,

to automatically select a task from a plurality of different tasks and assign a task representative identifier representing a selected task to be performed by said particular entity, to said task schedule associated with said particular entity.

2. (Previously Presented) A method according to claim 1, including the activity of

initiating execution of at least one executable procedure to automatically select said particular task schedule from said plurality of displayable task schedules, in response to said received information identifying an event and wherein

the step of initiating display of the at least one interface menu includes initiating display of menu elements prompting a user to identify at least one of (a) the predetermined event triggering application of the decision information in assigning the task representative identifier to the task schedule, (b) a source of the decision information, (c) decision information for initiating execution of at least one executable procedure for identifying a task schedule for listing the task representative identifier.

3. (Previously Presented) A method according to claim 1, wherein

the decision information initiates execution of at least one logical procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier.

4. (Original) A method according to claim 3, wherein

the data associated with a task comprises at least one of (a) a medical procedure identifier for a scheduled procedure, (b) a time and date of performance of a medical procedure, (c) patient medical record information, (d) location of performance of a medical procedure, (e) patient type identifier and (f) patient physical characteristics.

5. (Previously Presented) A method according to claim 1, wherein

said decision information initiates execution of said at least one executable procedure to automatically and programmatically without user intervention selects said task and assigns said identifier, in response to received information identifying an event and

the entity comprises at least one of (a) a category of users, (b) one or more users currently designated to perform a healthcare worker role and (c) a medical device or system.

6. (Original) A method according to claim 1, wherein:

a. the decision information identifies the predetermined event and

b. the predetermined event corresponds to at least one of (a) patient admission, (b) beginning of a medical procedure, (c) end of a medical procedure and (d) a user defined event based on information acquired.

7. (Previously Presented) A method according to claim 1,

wherein said received decision information initiates execution of said at least one executable procedure to prioritize a plurality of task representative identifiers of a task schedule associated with a particular entity in response to occurrence of a triggering event.

8. (Previously Presented) A method for assigning an identifier to at least one of a plurality of task schedules, comprising the activities of:

a. initiating display of at least one interface menu supporting user entry of decision information for assigning a task representative identifier to a selected task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, said selected task schedule being associated with a particular entity of said corresponding plurality of different entities and accessible by the particular entity, the decision information including data identifying:

i. at least one executable procedure for processing data associated with a task to select a task schedule for incorporating the task representative identifier and for assigning said task representative identifier representing a task to be performed by said particular entity, to said selected task schedule, and

ii. an event for triggering application of said at least one executable procedure;

b. receiving decision information entered via the at least one interface menu; and

c. automatically initiating execution of said at least one executable procedure to select said selected task schedule from said plurality of displayable task schedules and assign said task representative identifier representing a task to be performed by said particular entity, to said selected task schedule, in response to received information identifying occurrence of a triggering event.

9. (Previously Presented) A method according to claim 8, wherein

said at least one interface menu supports user entry of decision information including said data identifying said at least one executable procedure for automatically and programmatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to said selected task schedule of said plurality of displayable task schedules, in response to received information identifying an event and

the data associated with a task comprises at least one of (a) a medical procedure identifier for a scheduled procedure, (b) a time and date of performance of a medical procedure, (c) patient medical record information, (d) location of performance of a medical procedure, (e) patient type identifier and (f) patient physical characteristics.

10. (Original) A method according to claim 8, wherein

the triggering event corresponds to at least one of (a) patient admission, (b) beginning of a medical procedure, (c) end of a medical procedure and (d) a user defined event based on acquired information.

11. (Original) A method according to claim 8 further including acquiring the data associated with a task.

12. (Previously Presented) A method according to claim 8, wherein

a. said at least one executable procedure conditions allocation of the task to the task schedule associated with the particular entity upon coincidence of a plurality of occurrences, and

b. further including acquiring data to identify the coincidence of the plurality of occurrences.

13. (Previously Presented) A method according to claim 8, wherein

a. the triggering event is conditioned upon coincidence of a plurality of occurrences, and

b. further including acquiring data to identify the coincidence of the plurality

of occurrences.

14. (Previously Presented) A method according to claim 8,

wherein said at least one executable procedure removes a task representative identifier from the task schedule associated with the particular entity in response to occurrence of a triggering event.

15. (Previously Presented) A method for providing a user interface for assigning an identifier to at least one of a plurality of displayable task schedules comprising the activities of:

a. in response to a user command,

i. initiating display of at least one interface menu supporting user entry of decision information for initiating execution of at least one executable procedure for automatically and programmatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event, said particular task schedule being associated with a particular entity of said corresponding plurality of different entities; and

ii. initiating display of an updated task schedule including said selected task having said assigned identifier associated with the particular entity, in response to received information identifying an event.

16. (Previously Presented) A method for providing a user interface supporting assigning an identifier to at least one of a plurality of task schedules comprising the activities of:

a. in response to a user command,

. initiating display of at least one interface menu supporting user entry of decision information for automatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event, said particular task schedule being accessible by the particular entity, the decision information including data identifying,

. at least one executable procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier and for assigning said task representative identifier representing a task to be performed by said particular entity, to said particular task schedule, and

. an event for triggering application of said at least one executable procedure; and

. initiating display of an updated task schedule associated with the particular entity, the updated task schedule being generated in response to received information identifying a triggering event initiating execution of said at least one executable procedure to automatically assign said task representative identifier representing a task to be performed by said particular entity, to said task schedule associated with said particular entity.

17. (Previously Presented) A method for assigning an identifier to at least one of a plurality of task schedules comprising the activities of:

a. initiating display of at least one interface menu supporting user entry of decision information for selectively assigning a task representative identifier to at least one of a plurality of displayable task schedules associated with a corresponding plurality of different entities, said at least one of a said plurality of displayable task schedules being associated with a respective one of said corresponding plurality of different entities, the decision information including data identifying:

i. at least one executable procedure for processing data associated with a task to identify a task schedule for incorporating the task representative identifier and for assigning said task representative identifier representing a task to be performed by said particular entity, to said particular task schedule, and

ii. an event for triggering application of said at least one executable procedure;

b. receiving decision information entered via the at least one interface menu; and

c. automatically initiating execution of said at least one executable procedure to select a particular task schedule from said plurality of displayable task schedules

and to automatically selectively assign said task representative identifier representing a task to be performed by said respective one of said corresponding plurality of different entities, to said at least one of the plurality of task schedules associated with said corresponding plurality of different entities, in response to occurrence of the triggering event.

18. (Previously Presented) A system for assigning an identifier to at least one of a plurality of displayable task schedules comprising:

a. a display processor for initiating display of at least one interface menu supporting user entry of decision information for initiating execution of at least one executable procedure for automatically selecting a task from a plurality of different tasks and assigning an identifier representing a selected

task to a particular task schedule of a plurality of displayable task schedules associated with a corresponding plurality of different entities, in response to received information identifying an event, said particular task schedule being associated with a particular entity of said corresponding plurality of different entities; and

b. an interface processor for receiving decision information entered via the at least one interface menu and for automatically initiating execution of said at least one executable procedure, in response to received information identifying occurrence of an event to automatically select a task from a plurality of different tasks and automatically assign a task representative identifier representing a selected task to be performed by said particular entity, to said task schedule associated with said particular entity.

19. (Original) A computer program embodied within a computer-readable medium created using the method of claim 1.

## APPENDIX II - EVIDENCE

Applicant does not rely on any additional evidence other than the arguments submitted hereinabove.

## APPENDIX III - RELATED PROCEEDINGS

Applicant respectfully submits that there are no proceedings related to this appeal in which any decisions were rendered.

## APPENDIX IV - TABLE OF CASES

1. *In re Howard*, 394 F. 2d 869, 157 USPQ 615, 616 (CCPA 1968)
2. 29 AM. Jur 2D Evidence S. 33 (1994)
3. *In re Ahlert*, 424 F. 2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970)
4. *In re Eynde*, 480 F. 2d 1364, 1370; 178 USPQ 470, 474 (CCPA 1973)
5. *In re Fine*, 5 USPQ 2d 1600, (Fed Cir. 1988)
6. ACS Hospital Systems Inc v. Montefiore Hospital, 221 USPQ 929,933 (Fed. Cir. 1984)
7. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966)
8. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988)
9. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986)
10. *In re Oetiker*, 977 F2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)

## APPENDIX V - LIST OF REFERENCES

| U.S. Pat./Appl. No. | Issued / Publication Date | 102(e) Date | Inventors |
|---|---|---|---|
| 2002/0156672 A1 | October 24, 2002 | | Burko |
| 2001/0051888 A1 | December 13, 2001 | | Mayhak Jr. et al. |

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